```
JOHN K. VAN DE KAMP, Attorney General
1
       of the State of California
2
    ALVIN J. KOROBKIN,
      Supervising Deputy Attorney General
    110 West A Street, Suite 700
3
    San Diego, California 92101
    Telephone: (619) 237-7509
4
5
    Attorneys for Complainant
6
                                BEFORE THE
7
                       DIVISION OF MEDICAL QUALITY
8
                    BOARD OF MEDICAL QUALITY ASSURANCE
9
                      DEPARTMENT OF CONSUMER AFFAIRS
10
                           STATE OF CALIFORNIA
11
12
                                             NO. D-3129
     In the Matter of the Accusation
13
     Against:
                                             STIPULATION AND VOLUNTARY
14
                                             SURRENDER OF PHYSICIAN'S
          RICHARD HENRY COX, M.D.
                                             AND SURGEON'S CERTIFICATE
          930 Morning Sun Drive
15
          Olivenhain, California 92024
16
          Physician's and Surgeon's
          Certificate No. A-38044
17
18
                           Respondent.
19
                    This stipulation is in compromise and settlement
20
     of all disputed claims and, with the exception of the admissions
21
     specified in paragraphs 6 A-J, which admissions are only
22
     applicable and admissible in this stipulation and in any
23
     subsequent hearing in California upon re-application for a
24
     physician's and surgeon's certificate, all provisions of this
25
     settlement agreement shall not be considered as an admission of
26
```

liability or wrongdoing on behalf of respondent, nor does

- 1 respondent admit to any liability or wrongdoing in the compromise
- 2 and settlement of this case.
- 3 2. Respondent hereby agrees to voluntarily surrender
- 4 Physician's and Surgeon's Certificate Number A-38044 and under-
- 5 stands that by surrendering the certificate he loses all rights
- 6 and privileges to practice medicine in the State of California.
- 7 3. Respondent hereby agrees that if he ever reapplies
- 8 for a Physician's and Surgeon's Certificate in California the
- 9 facts and allegations admitted in paragraphs 6 A through J shall
- 10 be deemed admitted in any subsequent hearing on such application,
- 11 and that respondent shall receive no credits for medical
- education based upon the degrees, courses or training referred
- 13 to in the facts and allegations admitted herein.
- 14 4. Respondent agrees to waive and surrender
- permanently any cause of action, legal right to sue, and/or
- 16 claim for damages of any kind whatsoever, for conduct of the
- Board, or any agent, employee or representative thereof, from
- the date respondent submitted his application to the Board until
- the date this stipulation and voluntary surrender is accepted by
- 20 the Board of Medical Quality Assurance.
- 21 5. Upon acceptance of this stipulation by the Board,
- 22 the matter No. D-3129 shall be dismissed.
- 23 6. Respondent in compromise and settlement of all
- 24 claims admits each and every fact and allegation contained in
- 25 paragraphs A through J pursuant to the terms in paragraphs 1 and
- 26 3.

1	A. Section 2234 of the Business and Professions Code			
2	(hereinafter referred to as "Code") provides in pertinent part:			
3	"The Division of Medical Quality shall			
4	take action against any licensee who is			
5	charged with unprofessional conduct. In			
6	addition to other provisions of this article,			
7	unprofessional conduct includes, but is not			
8	limited to, the following:			
9				
10	"(e) The commission of any act			
11	involving dishonesty or corruption which is			
12	substantially related to the qualifications,			
13	functions, or duties of a physician and			
14	surgeon.			
15	"(f) Any action or conduct which would			
16	have warranted the denial of a certificate."			
17	B. Section 2235 of the Code provides:			
18	"The Division of Medical Quality shall			
19	initiate action against any licensee who			
20	obtains a certificate by fraud or misrepresen-			
21	tation, including a reciprocity certificate			
22	which is based upon a certificate or license			
23	obtained by fraud or mistake. The Division			
24	shall take action against any licensee whose			
25	certificate was issued by mistake.			
26				
27				

1 C. Section 480 of the Code provides in pertinent 2 part: 3 "(a) A board may deny a license 4 regulated by this code on the grounds that 5 the applicant has one of the following: 6 "(2) Done any act involving dishonesty, 8 fraud, or deceit with the intent to 9 substantially benefit himself or another, or 10 substantially injure another; 11 **"** 12 "(c) A board may deny a license 13 regulated by this code on the ground that the 14 applicant knowingly made a talse statement of 15 fact required to be revealed in the 16 application for such license. 17 On or about November 30, 1981, respondent submitted to the Division of Licensing of the Board of Medical 18 Quality Assurance an application for licensure as a graduate of 19 20 a foreign medical school. Respondent's certificate was issued pursuant to 21 E . sections 2100 et seg. of the Code (Article 5. Foreign Medical 22 23 Graduates). Section 2102 of the Code provides in pertinent 24 F . 25 part: "Any applicant who . . . is a United 26 States citizen . . . whose professional 27

instruction was acquired in a country other than the United States or Canada shall provide evidence satisfactory to the Division of Licensing of compliance with the following requirements in order to be issued a physician's and surgeon's certificate: "(a) Completion in a medical school or schools of a resident course of professional instruction equivalent to that required by

schools of a resident course of professional instruction equivalent to that required by Section 2089 and issuance to such applicant of a document acceptable to the division which shows final and successful completion of the course.

"Nothing in this section shall prohibit the division from disapproving any foreign school or from denying an application it, in the opinion of the division, the professional instruction provided by the medical school or the instruction received by the applicant is not equivalent to that required in Article 4 (commencing with Section 2080).

G. Section 2036 of the Code provides in pertinent part that a "resident course of instruction" shall be interpreted to mean classroom, laboratory, practical, and clinical instruction, received and given the person physically present,

1.3

_ .

wherever prescribed as part of his or her instruction and for the period prescribed for such instruction.

- H. Section 2084 of the Code requires the Division of Licensing to admit only applicants to the examination who comply with the requirements for certification as a physician and surgeon and allows the Division to consider the quality of the resident courses of professional instruction required for such certification.
 - I. Section 2089 of the Code provides:
 - "(1) Each applicant for a physician's and surgeon's certificate shall show by official transcript or other official evidence satisfactory to the Division of Licensing that he or she has successfully completed a medical curriculum extending over a period of at least four academic years in a medical school or schools located in the United States or Canada approved by the division. The total number of hours of all courses shall consist of a minimum of 4,000 hours. At least 80 percent of actual attendance shall be required.
 - "(2) The curriculum for all applicants shall provide for adequate instruction in the following:

Anatomy, including embryology, histology and neuroanatomy.

Anesthesia.

1 Biochemistry. Child abuse detection and 2 treatment. 3 Dermatology . 4 Geriatric medicine. 5 Human sexuality. 6 Medicine, including pediatrics. 7 Neurology. 8 Opthalmology. 9 Otolaryngology . 10 Pathology, bacteriology and 11 immunology. 12 Pharmacology. 13 Physical medicine. 14 Physiology . Preventive medicine, including 15 nutrition. 16 Psychiatry. 17 Radiology, including radiation 18 safety. Surgery, including radiaton 19 safety. 20 Therapeutics. 21 Tropical medicine 22 Urology. 23 Respondent's certificate is subject to 24 J. disciplinary action pursuant to section 2235 of the Code, in 25 26 27

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

- 1 conjunction with sections 2102, 2036, 2084 and 2089 of the Code,
- 2 in that respondent's certificate was issued by mistake, as
- 3 follows:
- 4 (1) Respondent did not complete in a medical
- 5 school or schools a resident course of professional instruction
- 6 equivalent to that required by section 2089 of the Code, as set
- 7 forth in section 2102(a) of the Code.
- 8 (2) The foreign medical school (CETEC
- 9 University School of Medicine in the Dominican Republic, herein-
- 10 after referred to as "CETEC") which issued an M.D. degree to the
- 11 respondent granted respondent advanced standing based upon
- 12 medical education allegedly received by respondent at the College
- of Osteopathic Physicians and Surgeons (hereinafter referred to
- 14 as "COPS") in Anaheim, California from 1975-1977 and a degree of
- Doctor of Medicine in Surgery (Osteopathic) allegedly obtained
- by respondent from said College in 1977. Advanced standing based
- 17 upon education received at a school of osteopathic medicine is
- unacceptable to the Division of Licensing in that such education
- is not equivalent to that required by section 2089 of the Code.
- 20 (3) The transcript allegedly issued by COPS
- 21 and submitted by respondent as part of his application indicates
- 22 COPS granted to respondent advanced standing based upon medical
- education allegedly received by respondent at a medical school
- 24 in Baja, California. Such advanced standing is unacceptable to
- 25 the Division of Licensing in that such education was not verified
- or substantiated and was not from a medical school approved by
- 27 the Division.

- 1 (4) The College of Osteopathic Physicians and
- 2 Surgeons in Anaheim, California, at which respondent allegedly
- 3 received medical education from 1975-1977 and a degree of Doctor
- 4 of Medicine and Surgery (Osteopathic) in 1977, did not have valid
- 5 authorization or approval as required by Education Code sections
- 6 94310 et seq. An injunction prohibiting and terminating COPS
- 7 from operating as a private post-secondary educational
- 8 institution was issued by the Los Angeles County Superior Court
- on November 1, 1982. In addition, said College was not a
- 10 medical school located in the United States or Canada which was
- 11 approved by the Division of Licensing as set forth in section
- 12 2089 of the Code, and was not a school of osteopathic medicine
- which was approved by the Board of Osteopathic Examiners.
- 14 (5) In his application dated November 30,
- 15 1981, and submitted to the Board of Medical Quality Assurance,
- 16 respondent indicated he attended CETEC and obtained a medical
- education from CETEC, from January 14, 1980, to September 15,
- 18 1981. In truth and in fact (1) respondent did not physically
- attend CETEC; (2) respondent did not obtain a medical education
- 20 from CETEC; (3) respondent did not "apply" to CETEC until on or
- 21 about August 1980; and (4) respondent was not admitted to CETEC
- 22 until on or about October 1980.
- 23 (6) As part of his application, respondent
- 24 submitted to the Board of Medical Quality Assurance a Certificate
- of Medical Education which purported to be signed by an official
- of CETEC stating that respondent enrolled in CETEC on January 14,
- 27 1980. In truth and in fact, (1) respondent did not physically

1 attend CETEC; (2) respondent did not obtain a medical education

- 2 from CETEC; (3) respondent did not "apply" to CETEC until on or
- 3 about August 1980; and (4) respondent was not admitted to CETEC
- 4 until on or about October 1980.
- 5 (7) Said Certificate of Medical Education from
- 6 CETEC, states respondent "attended in this institution 6 courses
- 7 of lectures of 18 weeks each totalling 72 weeks (2 years)". In
- 8 truth and in fact, respondent did not physically attend in said
- 9 institution, or in any other approved medical school, 6 courses
- of lectures of 18 weeks each totalling 72 weeks (2 years).
- 11 (8) As part of his application respondent
- 12 submitted a transcript from CETEC indicating respondent attended
- 13 at CETEC the following medical school courses (which are clinical
- 14 courses usually taken in the third and fourth year of medical
- 15 school):

16	COURSES	SEMESTERS	COURSE CREDIT HOURS
17	Human Behavior III	4	4
18	Internal Medicine	5	10
19	Pediatrics	6	10
20	Obstetrics & Gynecology	6	10
21	Surgery	7	14
22	Family Medicine	8	10

- In truth and in fact, respondent did not attend these
- 24 classes at CETEC or at any other approved medical school.
- 25 (9) Respondent knew, or with reasonable
- 26 diligence should have known, during the period of time he was
- 27 allegedly enrolled at CETEC he was engaged in a post-graduate

residency program in Illinois in the specialized area of family 1 medicine rather than being engaged in a resident course of 2 professional instruction equivalent to a third or fourth year 3 pre-graduate medical school program consisting of surgery, 4 internal medicine, pediatrics, obstetrics/gynecology and family 5 medicine. Such residency training although with knowledge and 6 approval of CETEC is not acceptable as equivalent to the third 7 and fourth year pre-graduate medical school curriculum. 8 9 10 RICHARD HENRY COX. 11 Respondent 12 FINLEY, KUMBLE, WAGNER, HEINE, UNDERBERG MANLEY & CASEY 13 14 15 LORENZ, Eg. 16 Attorney for Respondent 17 18 19 20 Supervising Deputy Attorney General Attorney for Complainant 21 This Stipulation and Voluntary Surrender of 22 Physician's and Surgeon's Certificate is accepted by the Board 23 of Medical Quality Assurance and shall become effective on 24 25 <u>June 6</u>, 1985. 26 27 DATED: <u>June 6, 1985</u>...

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72) Secretary-Treasurer

```
JOHN K. VAN DE KAMP, Attorney General
     of the State of California
   ALVIN J. KOROBKIN,
2
                 Deputy Attorney General
   JANELLE B. DAVIS,
                  Deputy Attorney General
   110 West A Street, Suite 700
   San Diego, California
                          92101
   Telephone: (619) 237-7770
5
   Attorneys for Complainant
            BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE
8
                      DIVISION OF MEDICAL QUALITY
10
                     DEPARTMENT OF CONSUMER AFFAIRS
                          STATE OF CALIFORNIA
11
12
                                                      D-3129
13
   In the Matter of the Accusation
   Against:
14
                                                  ACCUSATION
        RICHARD HENRY COX
15
         336 Anjou Drive
                               60062
        Northbrook, Illinois
16
        Physician's and Surgeon's
        Certificate No. A-38044
17
                          Respondent.
18
19
               Complainant, Kenneth J. Wagstaff alleges as follows:
20
                   He is the Executive Director of the Board of
21
   Medical Quality Assurance (hereinafter referred to as "Board")
22
    and makes this accusation solely in his official capacity.
23
                   On or about February 22, 1982, Richard Henry Cox
24
    (hereinafter referred to as "respondent") was issued Physician's
25
    and Surgeon's Certificate No. A-38044 by the Board of Medical
```

27

Quality Assurance.

3. Section 2234 of the Business and Professions Code (hereinafter referred to as "Code") provides in pertinent part:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

- "(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties a physician and surgeon.

 "(f) Any action or conduct which would have warranted the denial of a certificate."
- 4. Section 2235 of the Code provides:

"The Division of Medical Quality shall initiate action against any licensee who obtains a certificate by fraud or misrepresentation, including a reciprocity certificate which is based upon a certificate or license obtained by fraud or mistake. The Division shall take action against any licensee whose certificate was issued by mistake."

- 5. Section 480 of the Code provides in pertinent part:
 - "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

1
-

1.1

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substan-

tially benefit himself or another, or substantially injure another;

"(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license."

- 6. On or about November 30, 1981, respondent submitted to the Division of Licensing of the Board of Medical Quality Assurance an application for licensure as a graduate of a foreign medical school.
- 7. Respondent's certificate was issued pursuant to sections 2100 et seq. of the Code (Article 5. Foreign Medical Graduates).
- 8. Section 2102 of the Code provides in pertinent part:

"Any applicant who . . . is a United States citizen . . . whose professional instruction was acquired in a country other than the United States or Canada shall provide evidence satisfactory to the Division of Licensing of compliance with the following requirements in order to be issued a physician's and surgeon's certificate:

/

4 5 6

7 8 9

15

16

17 18 19

20

21

27

Completion in a medical school or schools of a resident course of professional instruction equivalent to that required by Section 2089 and issuance to such applicant of a document acceptable to the division which shows final and successful completion of the course.

"Nothing in this section shall prohibit the division from disapproving any foreign school or from denying an application if, in the opinion of the division, the professional instruction provided by the medical school or the instruction received by the applicant is not equivalent to that required in Article 4 (commencing with Section 2080)."

- Section 2036 of the Code provides in pertinent part that a "resident course of instruction" shall be interpreted to mean classroom, laboratory, practical, and clinical instruction, received and given the person physically present, whenever prescribed as part of his or her instruction and for the period prescribed for such instruction.
- Section 2084 of the Code requires the Division of 10. Licensing to admit only applicants to the examination who comply with the requirements for certification as a physician and surgeon and allows the Division to consider the quality of the resident courses of professional instruction required for such certification.
 - Section 2089 of the Code provides: 11.

"(a) Each applicant for a physician's and surgeon's certificate shall show by official transcript or other official evidence satisfactory to the Division of Licensing that he or she has successfully completed a medical curriculum extending over a period of at least four academic years in a medical school or schools located in the United States or Canada approved by the division. The total number of hours of all courses shall consist of a minimum of 4,000 hours. At least 80 percent of actual attendance shall be required.

"(b) The curriculum for all applicants shall provide for adequate instruction in the following:

Anatomy, including embryology, histology and neuroanatomy.

Anesthesia.

Biochemistry.

Child abuse detection and treatment.

Dermatology.

Geriatric medicine.

Human sexuality.

Medicine, including pediatrics.

Neurology.

Obstetrics and gynecology.

Opthalmology.

Otolaryngology.

Pathology, bacteriology and immunology.

Pharmacology.

Physical medicine.

Phsiology.

Preventive medicine, including nutrition.

Psychiatry.

Radiology, including radiation safety.

Surgery, including orthopedic surgery.

Therapeutics

Tropical medicine.

Urology.

- 12. Respondent's certificate is subject to disciplinary action pursuant to section 2235 of the Code, in conjunction with sections 2102, 2036, 2084 and 2089 of the Code, in that respondent's certificate was issued by mistake, as follows:
- A. Respondent did not complete in a medical school or schools a resident course of professional instruction equivalent to that required by section 2089 of the Code, as set forth in section 2102(a) of the Code.
- B. The foreign medical school (Cetec University School of Medicine in the Dominican Republic, hereinafter referred to as "Cetec") which issued an M.D. degree to the respondent granted respondent advanced standing based upon medical education allegedly received by respondent at the College of Osteopathic Physicians and Surgeons (hereinafter referred to as "COPS") in Anaheim, California from 1975-1977 and a degree of Doctor of Medicine in Surgery (Osteopathic) allegedly obtained by respondent from said College in 1977. Advanced

standing based upon education received at a school of osteopathic medicine is unacceptable to the Division of Licensing in that such education is not equivalent to that required by section 2089 of the Code.

- c. The transcript allegedly issued by COPS and submitted by respondent as part of his application indicates COPS granted to respondent advanced standing based upon medical education allegedly received by respondent at a medical school in BAJA California. Such advanced standing is unacceptable to the Division of Licensing in that such education was not verified or substantiated and was not from a medical school approved by the Division.
- D. The College of Osteopathic Physicians and Surgeons in Anaheim, California, at which respondent allegedly received medical education from 1975-1977 and a degree of Doctor of Medicine and Surgery (Osteopathic) in 1977, did not have valid authorization or approval as required by Education Code sections 94310 et seq. An injunction prohibiting COPS from operating as a private post-secondary educational institution was issued by the Los Angeles County Superior Court on November 1, 1982. In addition, said College was not a medical school located in the United States or Canada which was approved by the Division of Licensing as set forth in section 2089 of the Code, and was not a school of osteopathic medicine which was approved by the Board of Osteopathic Examiners.
- E. In his application dated November 30, 1981, and submitted to the Board of Medical Quality Assurance,

respondent indicated he attended CETEC and obtained a medical education from CETEC, from January 14, 1980, to September 15, 1981. In truth and in fact, (1) respondent did not attend CETEC; (2) respondent did not obtain a medical education from CETEC; (3) respondent did not "apply" to CETEC until on or about August 1980; and (4) respondent was not admitted to CETEC until on or about October 1980.

- F. As part of his application respondent submitted to the Board of Medical Quality Assurance a Certificate of Medical Education which purported to be signed by an official of CETEC stating that respondent enrolled in CETEC on January 14, 1980. In truth and in fact, (1) respondent did not attend CETEC; (2) respondent did not obtain a medical education from CETEC; (3) respondent did not "apply" to CETEC until on or about August 1980; and (4) respondent was not admitted to CETEC until on or about October 1980.
- G. Said Certificate of Medical Education states respondent "attended in this institution 6 courses of lectures of 18 weeks each totalling 72 weeks (2 years)". In truth and in fact, respondent did not attend in said institution, or in any other approved medical school, 6 courses of lectures of 18 weeks each totalling 72 weeks (2 years).
- H. As part of his application respondent submitted a transcript from CETEC indicating respondent attended at CETEC the following medical school courses (which are clinical courses usually taken in the third and fourth year of medical school):

COURSE	SEMESTERS	COURSE CREDIT HOURS
Human Behavior III	4	4
Internal Medicine	5	10
Pediatrics	6	10
Obstetrics & Gynecology	6	10
Surgery	7	14
Family Medicine	8	10

In truth and in fact, respondent did not attend these classes at CETEC or at any other approved medical school.

I. Respondent knew, or with reasonable diligence should have known, during the period of time he was allegedly enrolled at CETEC he was engaged in a post-graduate residency program in Illinois in the specialized area of family medicine rather than being engaged in a resident course of professional instruction equivalent to a third or fourth year pre-graduate medical school program consisting of surgery, internal medicine, pediatrics, obstetrics/gynecology and family medicine. Such residency training is not acceptable as equivalent to the third and fourth year pre-graduate medical school curriculum.

- 13. By reason of the facts alleged in paragraphs 12A through 12I above, respondent's certificate is further subject to disciplinary action pursuant to section 2235 of the Code in that respondent obtained his certificate by fraud or misrepresentation.
- 14. By reason of the facts alleged in paragraphs 12A through 12I above, respondent's certificate is subject to disciplinary action pursuant to section 2234(e) of the Code in

that respondent is guilty of the commission of an act or acts involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

- through 12I above, respondent's certificate is subject to disciplinary action pursuant to section 2234(f) of the Code, in conjunction with section 480(a)(2) of the Code, in that the actions or conduct of the respondent would have warranted the denial of the certificate in that respondent has done an act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.
- through 12I above, respondent's certificate is further subject to disciplinary action pursuant to section 2234(f) of the Code, in conjunction with section 480(c) of the Code, in that actions or conduct of the respondent would have warranted the denial of the certificate in that respondent knowingly made a false statement of facts required to be revealed in the application for such certificate.

WHEREFORE, complainant requests that a hearing be held and following said hearing the Physician's and Surgeon's

-/

/

/

/

Certificate No. A-38044, issued to respondent Richard Henry Cox be revoked. Dated: November 3, 1983 Executive (pirector Board of Medical Quality Assurance Complainant

COURT PAPER STATE OF CALIFORNIA AJK:sol